UN

UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.96/SR.494
12 October 1994

Original: ENGLISH

EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

Forty-fifth session

SUMMARY RECORD OF THE 494th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 5 October 1994, at 3 p.m.

Chairman: Mr. KAMAL (Pakistan)

CONTENTS

General debate (continued)

Adoption of the report of the Sub-Committee of the Whole on International Protection

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Executive Committee will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.94-04025 (E)

The meeting was called to order at 3.20 p.m.

GENERAL DEBATE (agenda item 4) (continued)

1. Mr. HUSSEIN (Observer for Iraq) said that the international community should make a concerted effort to guarantee the rights of refugee children and refugee women and facilitate the voluntary return of refugees to their countries of origin. Above all, actions should speak louder than words.

2. Despite the desperate situation in Iraq as a result of war and economic sanctions, it continued to shoulder its responsibilities towards refugees. Iraq was home to more than 108,000 refugees, of whom more than 43,000 were Iranian.

3. The High Commissioner should urge the Iranian authorities to accept Iranian refugees who were willing to return home. Most of the refugees from Iran had fled during the war and therefore could not be classed as political refugees and, as the war had ended, there was no longer any justification for them not returning home.

4. UNHCR's goals could be achieved only if all parties were committed to finding new measures to solve refugee problems, without ulterior political motives, which only hampered the work of UNHCR. The only way to put an end to large-scale human suffering was to eliminate the root causes of refugee flows.

5. The war and economic sanctions had taken their toll on Iraq. Many Iraqi citizens had fled to other countries, not for political reasons, but to escape the hardships of life in Iraq.

6. It was deplorable that the host countries of Iraqi refugees were exploiting their presence and mobilizing them against their native country, as was happening in refugee camps in Saudi Arabia and Iran. The High Commissioner should condemn the exploitation of refugees for political reasons. She should also, in the light of conditions in Iraq, call for an end to the economic sanctions, which would encourage Iraqi refugees to return home.

7. Mr. BERGUÑO (Observer for Chile) said that, despite UNHCR's best efforts, the number of refugees and displaced persons had increased considerably as a result of the prolonged crisis in the former Yugoslavia, violence in Rwanda and problems in other regions.

8. The basic rights of refugees, namely, the right of asylum and the principle of non-refoulement should be respected. Without prejudice to attempts to provide additional guarantees to countries faced with abuses of the right of asylum, the right itself should not be disregarded because that would seriously reduce the effectiveness of international protection.

9. The growing number of xenophobic attacks on groups of refugees was a cause for concern. Governments which had accepted responsibility for providing lasting protection to refugees, should step up their efforts to prevent racist attacks and any further escalation of violence. Attacks on refugees were of even greater concern when they were targeted primarily

against refugee children and refugee women, who were the most vulnerable of all refugees and deserved particular care and protection. Massive flows of refugees could be caused by a number of factors which interacted, often over long periods, gradually increasing tension and then resulting in serious crises. That combination of political, cultural, religious, ethnic, social and economic factors required an integrated approach and comprehensive solutions. Early warning and prevention had a role to play in that regard.

10. All aspects of development had to be taken into account in connection with humanitarian action. The close link could not be overlooked between extreme poverty, unemployment and marginalization and worsening social conflicts that could turn into emergencies and even serious humanitarian conflicts, as had recently been seen. One of the priorities of a strategy of comprehensive and durable solutions had to be development assistance, which would be primarily preventive in nature, but could also help in a crisis that had already broken out. To that end, inter-agency coordination was essential, as was the active commitment of agencies involved in cooperation for development. UNHCR should play a leading role in such efforts.

11. Durable solutions had to be found for internally displaced persons who were outside the scope of institutionalized protection. A broader interpretation of UNHCR's humanitarian task and its mandate would enable it to assume responsibility for the protection, on a permanent basis, of internally displaced persons, whose plight was no less serious than that of other refugees.

12. The formulation of new standard-setting instruments or the application of broader criteria should make it possible to find stable and durable solutions for such persons and pave the way for the protection of a group that certainly deserved humanitarian assistance.

13. Non-governmental organizations played a particularly important role in the field of human rights and humanitarian assistance. Their ability to prick the international conscience had been not only a decisive factor in efforts to relieve the suffering of many human beings, but had also become a crucial part of solidarity.

14. The joint efforts that UNHCR and NGOs had begun to make in connection with the PARinAC process would lead to closer and more effective cooperation between those two important actors in the field of humanitarian action.

15. After cessation clauses had been invoked in March 1994, Chile no longer recognized the refugee status of Chileans who had acquired that status. The restoration of democracy in Chile meant that there was no longer any need for Chileans to seek asylum in other countries, as they had done in and after 1973. UNHCR had given many Chileans humanitarian assistance for many years and the Government and people of Chile were grateful to it.

16. The day of solidarity with Rwandese refugees that had been held in Chile in August 1994 had helped to raise about $2,150,000, which had been handed over to the UNHCR representative in Chile. A further $220,000 had been collected by the Chilean Catholic Church and handed over to Caritas Internationalis to help Rwandese refugees. The success of the day of

solidarity had been proof of the commitment of the people of Chile to the idea of solidarity and had provided an opportunity for the entire Chilean nation to contribute to a worthy cause.

17. Mr. AYALA LASSO (United Nations High Commissioner for Human Rights) said that human rights and refugee issues were closely linked because violations of human rights usually represented the root cause of refugee flows and because political refugees and what were known as economic migrants were vulnerable human beings who often fell victim to racist attacks and were fully entitled to basic human rights wherever they might be.

18. In the past, the problem of refugees and the question of human rights had been two separate issues. Responses to the refugee problem had tended to be of an emergency nature and had overlooked the causes of the problem. Today, however, human rights were considered a legitimate concern of the international community and it was generally accepted that human rights abuses were responsible for the large number of refugees and displaced persons.

19. There was no doubt that the situation of human rights was a cause of displacement. It also played a crucial role in the search for solutions. There was no better guarantee for the return of refugees and displaced persons to their homes in safety and dignity than an improvement in the human rights situation in their country of origin. In that connection, he commended the efforts made by the High Commissioner for Refugees to ensure that UNHCR gave priority to monitoring the human rights situation of returning refugees and displaced persons.

20. A similar development was also under way in the field of international law. Human rights, humanitarian law and refugee law were being studied together and seen in a holistic manner in order to provide responses to new areas of concern. The Representative of the Secretary-General on internally displaced persons was developing the law which applied in cases of internal displacement. Studies were also being carried out on population transfers and the implications of humanitarian activities for the enjoyment of human rights.

21. In terms of institutional development, 1993 had marked a watershed in the field of human rights. The World Conference on Human Rights in Vienna in 1993 had affirmed that better protection and the promotion of human rights were an integral element of prevention, protection and solutions in cases of refugee flows. As High Commissioner for Human Rights, a post which had been established at the World Conference, he would need the support of agencies of the United Nations system, UNHCR in particular. Resources in the humanitarian field were strained. The work of humanitarian agencies therefore had to be rationalized and effective. Prevention work was clearly more cost-efficient than conflict resolution and emergency responses.

22. When prevention had failed, emergency operations were needed to help restore the rule of law quickly. Concrete and unequivocal assistance with technical advice, expertise and know-how, as well as material resources, was essential. Deploying teams of human rights monitors and specialized teams of investigators on short notice was a difficult, but essential task. Humanitarian agencies should be able to ensure their presence where stability

was at stake, play a role in facilitating the return of refugees and displaced persons and assist with their rehabilitation and reintegration in conditions of respect for human rights.

23. Prevention mechanisms included human rights education and monitoring. UNHCR provided valuable assistance and cooperation in gathering information on human rights situations, early warning and the protection of human rights and facilitated the monitoring role of treaty-based bodies and non-conventional mechanisms. Common projects for the advancement of the human rights of women and children who had been displaced or affected by armed conflict or violence or who had been otherwise traumatized should be set up by UNHCR and the Office of the High Commissioner for Human Rights. Participation in pre-return projects of human rights education or training workshops for police and army officers was another possibility.

24. The tragedy of Rwanda had taught the international community that it needed profoundly to reassess the ability of traditional mechanisms to act swiftly in emergency situations and consider new ideas such as the task force for rapid intervention in humanitarian emergencies which had been proposed by the President of Argentina and supported by the United States, Russia and European countries.

25. In a short period of time, the situation in Rwanda had led to more deaths, more refugees and more displaced persons than had ever been witnessed in the world before.

26. On 25 May 1994, the Commission on Human Rights had adopted a resolution establishing the mandate of a Special Rapporteur on the situation of human rights in Rwanda and had called on the United Nations High Commissioner for Human Rights to assist him in the discharge of his mandate. The mandate had two main elements: to report to the Commission on Human Rights, the General Assembly, the Security Council and Economic and Social Council on the root causes of and responsibilities for recent atrocities and on the ongoing human rights situation in Rwanda and to report to the Secretary-General on information gathered and compiled systematically concerning violations of human rights, humanitarian law, war crimes and genocide. The resolution also emphasized the need for a peace-building process in Rwanda to be effectively supported by a comprehensive programme of human rights assistance.

27. On 1 July 1994, the Security Council had adopted resolution 935 (1994) on the establishment of a Commission of Experts to examine and analyse information concerning grave violations of international humanitarian law and genocide in Rwanda and to present conclusions to the Secretary-General before 30 November 1994. In his report to the Security Council of 29 July 1994, the Secretary-General had stated that the Commission would be based in Geneva and benefit from the resources of the High Commissioner for Human Rights and, in particular, those which had already been made available to the Special Rapporteur of the Commission on Human Rights.

28. It had subsequently become clear that more human rights staff would be required to deal with the complex situation in Rwanda. An appeal for funds to expand human rights field activities and establish a network of an extra 20 human rights field offices had therefore been made at the Pledging

Conference on Rwanda on 2 August 1994. Following his visit to Rwanda in late August 1994, he had agreed with the Government of Rwanda that as many as 147 human rights field offices would be deployed, to cover each of the communes in the country.

29. With the deployment of the proposed number of human rights staff, the United Nations human rights operation in Rwanda would be able to investigate violations of human rights and humanitarian law, essentially for the purposes of the Commission of Experts; monitor the ongoing human rights situation, essentially for the purposes of the mandate of the Special Rapporteur and help redress existing problems and prevent possible human rights violations; cooperate with other international agencies in re-establishing confidence and thus facilitate the return of refugees and displaced persons and the rebuilding of civic society; and implement technical cooperation programmes in the field of human rights, particularly with regard to the administration of justice.

30. On the basis of the interim report of the Commission of Experts, the Security Council was considering a draft resolution which would establish an international tribunal to prosecute persons responsible for serious violations of international humanitarian law that had been committed in Rwanda since 1 April 1994. Despite logistical problems, the human rights response in Rwanda had proven to be effective. An international tribunal would administer justice by prosecuting those responsible for crimes against humanity.

31. The problems at the root of the tragedy of Rwanda had been known for some time. In mid-1993, the Special Rapporteur of the Commission on Human Rights on summary and arbitrary executions had predicted some of the possible consequences of the on-going human rights violations at the basis of the conflict between the two main ethnic groups. Early-warning procedures and machinery had been unable to anticipate what the Special Rapporteur had clearly indicated in a report submitted to the Commission on Human Rights. That was a cause for concern, especially because the reaction in Rwanda had been slow and inadequate to save human lives.

32. Burundi was in many ways similar to Rwanda. Serious violations of human rights had occurred recently and had gone largely unpunished. Several major amnesties had made it possible for the perpetrators of such crimes to avoid punishment.

33. In order to sustain the action of the Government of Burundi, he had undertaken urgent missions in May and August 1994 to develop and implement large programmes of assistance in the field of human rights. That had led to the establishment of a human rights presence on 15 June 1994 in Bujumbura. The Government of Burundi and the President had welcomed the proposal to increase the international presence to at least 10 staff members. That would lead to improved assistance to the various departments and agencies concerned with human rights and allow greater promotional and educational activities in the field, particularly in the provinces.

34. An enhanced human rights presence with international staff could play a particularly useful deterrent role with regard to human rights violations, particularly in the countryside. It would also help to strengthen the pillars

of a modern society, to be cemented in full respect for human rights and fundamental freedoms, and to establish a climate of tolerance and mutual respect whereby each and every citizen of the Republic was not a Tutsi or a Hutu, but a law-abiding member of the Burundi nation. The increased United Nations human rights presence as part of a global United Nations preventive humanitarian programme in Burundi could assist the country in avoiding the tragedy of Rwanda. It should be organized as soon as possible and his Office was ready to play its part.

35. Regarding Rwanda, there was clearly no limit as to how much investment the international community should be willing to consider in order to prevent a similar disaster recurring. Preventive human rights action in Burundi was therefore a test of the way in which Governments, United Nations agencies and international development agencies intended to act to prevent tragedies such as that of Rwanda. It was also a test to demonstrate that prevention was not merely a fashionable expression, but the reflection of a new awareness in international affairs. Preventive human rights action aimed at strengthening and/or preserving the rule of law and the pillars of the State in accordance with internationally accepted standards of human rights might avoid disasters, the collapse of Governments and their institutions and open internal or international conflicts, in turn helping to prevent flows of refugees and displaced people, as well as mass exoduses. It was worth trying the path of prevention in Burundi and elsewhere, for it would be less expensive and possibly more effective.

36. The United Nations High Commissioner for Refugees and the United Nations High Commissioner for Human Rights were on the point of signing a memorandum of understanding that would provide the framework for practical cooperation in the field in both preventive action and emergencies. A permanent dialogue between the two bodies was the key to effective cooperation and action. The international community had a responsibility to ensure the well-being of refugees and displaced persons and at least minimum conditions of respect for their basic human rights. In such endeavours, the UNHCR could count on the fullest and closest cooperation of the High Commissioner for Human Rights and the Centre for Human Rights.

37. Mr. SHAKARIMOV (Tajikistan) said that, during the civil war in his country, more than 850,000 people had become refugees or been displaced within the Republic and the situation had been complicated by a number of natural disasters in the period between 1992 and 1994. He expressed his gratitude to those States and international organizations which had provided assistance during those years.

38. Tajikistan was now entering a new phase of its development, involving socio-political stabilization, democratization and respect for human rights. A new Constitution had been drawn up which would be voted on in a national referendum and a law had been passed granting an amnesty and speeding up the return of refugees. With the assistance of the United Nations, two rounds of inter-Tajik negotiations had taken place and an agreement had been signed on a temporary suspension of military action, which was being monitored by United Nations observers.

39. Some 667,000 of the 697,000 displaced persons in Tajikistan had already returned to their previous place of residence and almost 40,000 of the 60,000 refugees who had fled to Afghanistan had returned to Tajikistan. The majority of them were returning to destroyed economies and burned-out homes and many faced a harsh winter with no wage-earner in the family. Approximately 50,000 children were orphans and there was a high incidence of sickness and hunger. The Government of Tajikistan was doing all it could to provide assistance, but many firms had ceased production because of a lack of raw materials and spare parts since deliveries from countries of the Commonwealth of Independent States had come to a halt owing to liquidity problems. There were similar problems in the transport sector and, because of insufficient convertible currency reserves, salaries and pensions were not being paid and the Government was no longer in a position to continue its assistance to refugees and displaced persons.

40. The Government of Tajikistan had prepared legislation designed to achieve monetary union with the Russian Federation, but, until the economy had stabilized, there was a need for continued assistance from the international community, international organizations and, especially, UNHCR. It was particularly important to complete the process of the return of refugees and displaced persons from Afghanistan, the Pamir region and the Commonwealth of Independent States. It was also necessary to accelerate the UNHCR programmes for the reconstruction of 70,000 destroyed homes in the Hatlon region. It would also be desirable rapidly to activate the UNHCR programme on small-scale enterprises in order to produce what the returnees urgently needed.

41. In order to achieve self-sufficiency, Tajikistan needed help to build institutional capacity and acquire technological know-how at the district and provincial levels. A number of training courses had been organized by the ILO, IOM and UNHCR and rehabilitation and reconstruction courses should be organized in the provinces most affected. There were three categories of people who needed help: former refugees or returnees, internally displaced persons and victims of war. The specific mandates of aid agencies meant that the assistance given by the international community was selective and almost discriminatory. Those who had fled their homes received more attention than those who had stayed behind and whose houses had been looted or destroyed. In many cases, selective external aid had become a cause of tension and conflict between communities. That was a fundamental conceptual problem and it would be useful for the UNHCR and other aid agencies, as well as donor Governments, to consider measures to redress the imbalances and mitigate the tensions created.

42. With the relative stabilization of the situation in Tajikistan, it was time for assistance to move from the humanitarian to the developmental level. Emergency relief should be not the end, but the beginning of a process that should continue uninterrupted. The development and financial institutions of the United Nations system should join hands with UNHCR to maintain the momentum of reconstruction. Failure in that regard would result in an increase in the level of unemployment, a sharp fall in living standards and an escalation of tension due to the suspension of the payment of salaries and pensions. Without timely development aid, there was a clear danger of renewed

socio-political instability and conflict. On behalf of his Government, he appealed to the international community to help his country break the vicious circle and achieve self-sufficiency.

43. Mr. KULAH (Observer for Liberia) said that, since the beginning of the armed conflict in his country in late 1989, Liberia had been a nation of widely displaced people. Following the establishment of a transitional Government in March 1994, which was supposedly a Government of national unity, yet another round of violence had erupted which had sent a wave of Liberian refugees into Guinea and Côte d'Ivoire. The situation in Liberia as a result of the latest round of fighting was deteriorating and the United Nations and the international community in general had begun to withdraw so-called non-essential personnel. The largest hospital in Liberia had been looted and some 30,000 civilians trapped in that area were said to be unaccounted for. All relief workers and international personnel had been withdrawn from areas outside the control of ECOMOG.

44. In a country which was largely controlled by de facto entities without international recognition and a Government without coercive power depending on a peace-keeping force, it had been difficult to provide credible protection for the internally displaced and the refugees within Liberia's own borders, yet the need for protection, including physical security and access to basic amenities, was greater than ever. Liberia had been particularly disturbed by the latest decision of the international community to withdraw so-called non-essential personnel because that gave people who already lacked credible access to protection the impression that they were being abandoned. He urged the Executive Committee to appeal to all warring factions in Liberia and their supporters to respect the safety and security of humanitarian workers, as well as of displaced persons, returnees and refugees, and, furthermore, to call on the Security Council and the Secretary-General of the United Nations to extend the mandate of UNOMIL and provide generalized support to the peace-keeping forces in Liberia.

45. Since 1991, Liberia had been redeveloping a civil administration which had been totally destroyed in the fighting and the present deteriorating circumstances in the country that was forcing the United Nations and international non-governmental organizations to scale down their activities merely underscored the need to strengthen and assist in the building of those governmental institutions, their personnel and local non-governmental organizations. The situation in Liberia called for urgent international action. As had been described by the representative of Tajikistan, Liberia had encountered a discriminatory approach to the problems of refugees in various parts of the world. The Executive Committee should not forget, or give a lower level of priority to, situations such as those which prevailed in Liberia and which had presented some of the most horrifying humanitarian tragedies the world had ever seen.

46. Mr. JOON HEE LEE (Observer for the Republic of Korea) said the optimism of the post-cold war era had now given way to pessimism, with international conflicts resulting in human rights tragedies on a scale not witnessed since the Second World War and, on two occasions, genocide and other atrocities, particularly against women and children, accompanying a massive outpouring of refugees which had at times been overwhelming. UNHCR had acted bravely to try

to ease international suffering and one staff member had paid the ultimate price; he joined the High Commissioner and other members of the Executive Committee in recognizing the contribution made by the field officer killed in Northern Burundi and expressed his support for extending the draft international convention on the safety and security of United Nations and associated personnel to United Nations humanitarian staff and their partners from non-governmental organizations.

47. Refugee crises were preventable. Once refugees were on the move, that meant that tragedies had already occurred. Prevention might not be the direct responsibility of UNHCR, but it would make its responsibilities easier to fulfil. More should be done to develop a comprehensive approach to refugee problems and he expressed his support for the High Commissioner's proposal for the establishment of an inspection and evaluation service within UNHCR. More attention should also be given to improving the existing legal tools: there were many displaced people who were technically not considered to be refugees and who did not have sufficient protection, so temporary non-binding guidelines should be drawn up to cover the gaps in the existing legal instruments.

48. Voluntary repatriation was the most desirable response to the plight of refugees. Forced repatriation should not be permitted and the principle of non-refoulement should be respected. In cases where political asylum was sought, there should be easy access to decision-making authorities and those authorities should make their decisions both rapidly and correctly so that suffering was not prolonged.

49. The conditions of refugees in Asia were improving. Myanmar refugees in Bangladesh were returning home and there was a continuing dialogue between Bhutan and Nepal for the return of 80,000 refugees in Nepali camps. There was also increasing assistance from Asian countries themselves; his Government had participated in Myanmar, Eritrea, the Caucasus and Rwanda and intended to do more. In Rwanda, his Government had contributed more than US$ 850,000 in money, medicine, vehicles and containers and was also supplying personnel, in particular water supply experts. Non-governmental organizations from his country had committed some US$ 900,000 and almost 50 people to Rwanda, including medical personnel and relief experts.

50. Mr. KELATI (Observer for Eritrea) said that, after years of struggling for independence, his country was attending the Executive Committee session for the first time as a sovereign State. One of the challenges his Government had faced after liberation had been the question of the approximately 750,000 Eritrean refugees living in all parts of world. The majority had already indicated their willingness to return home soon.

51. Having fought long and hard to win its right to self-determination, Eritrea now stood on the verge of a new era in its history and appealed to the international community to support its efforts for rehabilitation, recovery and self-reliance. Regrettably, the country lacked the resources needed to embark on the rehabilitation process, which required the participation of all Eritreans and, consequently, the early return and reintegration of Eritrean refugees from abroad.

52. His Government had requested donors to finance the Programme for Refugee Reintegration and Rehabilitation of Resettlement Areas in Eritrea (PROFERI), which would facilitate the return of the 420,000 Eritrean refugees still remaining in Sudan after the spontaneous return of some 80,000 refugees since the ending of the war in May 1991. The launching of PROFERI, originally scheduled for the beginning of 1994, had been delayed as a result of the low level of pledging in response to his Government's appeal in July 1993. The fact that only US$ 32.5 million, including 12.5 million for food aid, had been pledged out of the US$ 111 million requested for phase 1 of PROFERI had induced his Government to conduct a major review of its strategy by designing a pilot programme to form the start of phase 1 of PROFERI and to undertake work which would facilitate further mobilization of resources. The executing agency with overall responsibility for the design and coordination of PROFERI was the Government Commission for Eritrean Refugee Affairs (CERA). The National Programme Coordinating Committee (NPCC), composed of CERA, sectoral ministries and UNDP/DHA to represent donors, including the United Nations agencies and non-governmental organizations involved, had been formed at the national level to ensure smooth coordination of PROFERI and to facilitate inter-ministry and donor interactions. The pilot programme aimed at resettling an estimated 24,000 refugees (about 4,500 families). Phase 1 would immediately follow the pilot project midway through 1995 and would involve the repatriation of some 135,000 refugees.

53. The role of non-governmental organizations in Eritrea dated back to the period of the liberation struggle. In cooperation with sectoral ministries and local non-governmental organizations, international non-governmental organizations were already engaged in various rehabilitation, recovery, repatriation and reintegration activities. In cooperation with some donor countries, his Government had begun to train returnees in skills such masonry, carpentry, mechanics, tractor driving, sewing, etc., and 1,500 were expected to complete their training by the end of 1994. The training programme was scheduled to continue until 1997, with the skilled labour force it produced taking part in the overall refugee repatriation and reintegration programme. Specialist Eritrean Returnee Volunteers (UNV-SERV) would be encouraged to join the programme in order to enhance the capacity of CERA and the sectoral ministries involved in its implementation.

54. After 30 years of war, Eritrea was embarking on the long and difficult process of reconstruction. The energy and enthusiasm of returnees could be a powerful force not only for starting their own new lives in the homeland, but also for helping to rebuild the country. Despite its meagre resources, his Government had made significant efforts to prepare the way for a sustainable PROFERI. Reception centres had been built and settlement sites made ready; communities were already being mobilized to work on road improvement, collect building materials and provide unpaid labour for construction. Water sources had been identified, health centres had been built or were in process of completion and technical staff were being trained within the constraints of the limited national budget. Although hampered by widespread bureaucratic practices, negotiations with donors were taking place at various levels with a view to the transfer of funds.

55. The peace in Eritrea was now secure enough for donors to visit the country and see for themselves the destruction wrought by the war. Active

cooperation and experience-sharing were needed; good results could not be obtained by simply staying at headquarters and comparing the Eritrean experience to that of other countries.

56. As a coordinator between the host country and the country of origin, UNHCR was responsible for bringing back voluntary returnees according to priorities established in cooperation with the host country. The situation in settlement camps, reception centres and urban areas should be closely examined with a view to selecting vulnerable and destitute families for priority treatment. In response to the Sudanese representative's comments concerning the selection of returnees, he pointed out that selection was indispensable because funds were not available to bring all the refugees back at once.

57. The UNHCR presence in the Horn of Africa should be strengthened so as to facilitate repatriation and to assist field staff in taking quick decisions. At the same time, discussions with the countries concerned should be conducted from a closer angle. Many refugees were returning spontaneously because of delays in organized repatriation. Those groups should also receive attention; their safe return should be observed and assistance to them should be provided in the form of minimum transport and reintegration packages. In conclusion, he urged the donor community to facilitate repatriation and to make a one-time assistance contribution for repatriation and reintegration.

58. Mr. RADJABOV (Observer for Azerbaijan) said that, as a result of the Armenian aggression now in its seventh year, over a fifth of his country's territory was occupied by Armenian military forces and tens of thousands of people, including many women, children and old people, had been killed, wounded, imprisoned and taken hostage. His country's just demand for the complete and unconditional withdrawal of Armenian armed forces from occupied territories in Azerbaijan was reflected in numerous decisions by international organizations, including four Security Council resolutions. The aggressor's refusal to abide by those decisions was responsible for the presence of about 1 million refugees and displaced persons in Azerbaijan today.

59. On behalf of the Government and people of his country, he thanked all international organizations involved in efforts to help refugees, foremost among them UNHCR, which had been the first organization to extend a helping hand to his people. Taking into account the present difficult situation of the displaced persons and the prospect of their eventual return to homes burned down by the aggressor, he suggested that programmes for internally displaced persons should be elaborated or reviewed before 1995.

60. Recent attempts to destabilize the situation in his country had been thwarted by the people of Azerbaijan united around their President and determined to defend their country's independence and territorial integrity. In thanking all the States and international organizations which had helped Azerbaijan, he said he was confident that his country would one day take its place among donor States able to help other countries in need.

61. Mr. GOONETILLEKE (Observer for Sri Lanka) said that UNHCR deserved to be commended for living up to the expectations it had inspired over the years and should be encouraged to meet newly-emerging challenges. He endorsed many of the points made by the Chairman in his opening statement at the 489th meeting

and, in particular, agreed that action towards an appropriate categorization of asylum-seekers called for priority attention on the part of the international community. However, important as it was to streamline asylum procedures with a view to strengthening a uniform legal regime, it was also important to overcome economic disparities existing between countries of North and South and to ensure a sustained flow of assistance from the developed to the developing world. Such a double-track approach could certainly help to stem the flow of economic refugees.

62. In Europe, the harmonization of asylum policies and legislations following the entry into force of the Maastricht Treaty was a step in the right direction. It was to be hoped that the reform of laws on asylum would be expanded to all refugee-receiving countries so as to ensure that asylum became an effective form of protection for genuine refugees. But steps also had to be taken to protect refugees from being subjected to xenophobic attacks and the initiatives of refugee-receiving States in reforming their asylum laws should be accompanied by a re-evaluation of protection principles in the context of the increasing threat to refugees' lives.

63. The PARinAC process set in motion in Oslo in June 1994 was an important landmark in the effort to reduce the economic disparities which encouraged refugee movements and to preserve or, rather, create the continuum from relief to development. The contribution of humanitarian non-governmental organizations to the welfare of civilians in times of social tensions and conflicts could not be overemphasized.

64. Referring to recent developments in his country, he recalled that the problems in the northern and eastern provinces of Sri Lanka had resulted in the displacement of a cross-section of the three communities living in those areas. The welfare centres and open relief camps run by UNHCR with strong support by the Government and with the assistance of humanitarian non-governmental organizations had provided interim protection for the internally displaced. The newly-elected Government of Sri Lanka, which was committed to efforts to bring the problem to an end as early as possible through constructive dialogue, deeply appreciated the dedicated and timely services provided by those organizations.

65. Prince SOBANDLA DLAMINI (Observer for Swaziland), commending UNHCR for its work in connection with the voluntary repatriation of Mozambican refugees from his country, said that the High Commissioner, as well as the King of Swaziland and the President of Mozambique, deserved a special tribute for visiting the refugee camp at Malindza, an event extensively covered by the international press. His Government was proud to report that the process of voluntary repatriation had taken place as smoothly as planned. At the command of his Head of State, he had accompanied the first trainload of returnees, which had been warmly received by the FRELIMO Government together with RENAMO officials.

66. Because of the smallness of his country's territory and the economic pressures on its Government and citizens, the voluntary repatriation of the Mozambicans had created a strong sense of relief. However, bearing in mind the voluntary nature of the exercise, a number of persons, especially women and children, had opted not to return. It was unfortunate that such people

were considered ineligible for assistance from UNHCR or international donors. The assistance provided by UNHCR, the World Food Programme and non-governmental organizations such as the Lutheran World Federation (LWF) and Caritas had been extremely valuable in the past. The issue of refugees who refused repatriation called for realism and pragmatism on the part of all concerned. The simple truth was that Swaziland, beset by a lingering drought, a high unemployment rate and inflation, was incapable of meeting the needs of those people without help from UNHCR or international donors. In that connection, he expressed his Government's approval of the appointment of Mr. Nicholas Buwakira as the UNHCR Regional Representative in southern Africa.

67. Another problem of concern to his Government was the steady influx of people - some of whom did not meet the definition of refugees - from Rwanda, Angola, Zaire, Ethiopia, Liberia and Somalia. The main problem arose from the lack of discipline and respect for UNHCR staff and Government officials on the part of some of those persons, an attitude which had led to physical fighting between persons of different ethnic backgrounds. Although he did not ascribe such incidents to racial or tribal tendencies, he noted that such regrettable behaviour had never been experienced while Mozambican refugees had been alone in the camps. Frustration and intolerance of other cultures could be a factor in some instances. That was why his Government continued to advocate that some sort of refugee swapping system should be envisaged in order to avoid urban refugees being placed in camps designed for rural refugees, a situation which could and did create heightened tensions.

68. His Government had recently proposed the adoption of a regional approach in order to ensure that countries did not take unilateral decisions which amounted to reneging on the duty of burden-sharing in face of the refugee problem. The principle that the country of first asylum was responsible for refugees should be upheld so as to avoid the current practice whereby some States simply gave a green light to large numbers of refugees, thus palming the burden off on to other countries.

69. Mr. LONGANGE (Observer for the Organization of African Unity) pointed out that, since the Executive Committee's forty-fourth session, the number of refugees and displaced persons in Africa had risen from 6 to 8 million and from 15 to 20 million, respectively, and that their situation had deteriorated greatly. Refugee-reception areas, in Tanzania and Zaire particularly, looked like lunar landscapes. The hitherto friendly local populations were in danger of becoming xenophobic. In order to avoid the worst, reconstruction assistance should be extended not only to Rwanda itself, but also to its neighbouring countries, especially Tanzania and Zaire, which had had to bear the cost of the Rwanda conflict.

70. In an effort to settle such conflicts, which were among the major causes of refugee flows, OAU had established a conflict prevention, management and settlement mechanism in June 1993, whose initiatives had included sending observers to Rwanda and Burundi and special representatives to Liberia and Mozambique. An observer mission had also been sent to South Africa before the historic elections in that country. OAU was also keeping a close watch on the situation in Somalia, Angola, Western Sahara and other areas where tension was high.

71. So far as refugee problems were concerned, the OAU Commission of Fifteen, now expanded into the Commission of Twenty, had visited some 15 refugee-receiving member States to discuss ways and means of finding durable solutions. OAU had continued its policy in the field of refugee education by granting scholarships to refugee students. The majority of OAU's income-generating projects for refugees had unfortunately had to be frozen because of the lack of financial resources, but it was hoped that those projects could soon be continued with assistance from donors. OAU also provided token assistance to member States receiving refugee influxes.

72. The long-term answer to the refugee problem was, however, not a matter of one-time assistance, but one of coming to grips with the root causes of refugee flows and of creating the political and economic conditions needed in order to encourage citizens to stay in their countries. Voluntary repatriation was also a solution, provided that peace and security in the country of origin could be guaranteed.

73. His organization spared no effort to develop and strengthen cooperation with organizations that worked for peace and human rights. It provided full support to voluntary and philanthropic agencies which gave assistance to refugees. Cooperation between OAU and UNHCR was also increasing and his organization always sought to make it more dynamic.

74. During the current year, OAU had commemorated the twenty-fifth anniversary of the adoption of its 1969 Convention governing the Specific Aspects of Refugee Problems in Africa. Events had been organized on the occasion of African Refugee Day. Within the framework of the recommendations of the OAU Council of Ministers and the Executive Committee of UNHCR, the OAU secretariat and UNHCR had jointly organized a symposium on refugees and forced populations displacements in Africa in Addis Ababa from 8 to 10 September 1994. It had been attended by representatives of OAU member States, States members of the UNHCR Executive Committee, competent organizations of the United Nations, intergovernmental and non-governmental organizations concerned with human rights and humanitarian assistance to refugees, repatriated persons and displaced persons and eminent members of the academic world. The symposium had enabled the participants to evaluate the important contribution made by the 1969 OAU Convention. The recommendations of the symposium would serve as guidelines for future actions by Governments seeking to find durable solutions to the problems of refugees.

75. He assured the Executive Committee that OAU would continue to collaborate with UNHCR and other international organizations and voluntary agencies dealing with refugees in Africa. In that connection, it hoped that OAU and UNHCR would undertake joint field missions whenever necessary. His organization would also like UNHCR and other organizations to assist it in training its field officers.

76. Man was one whether he was yellow, red, white or black. There was only one planet Earth and it should be made hospitable. Africa had always opened its frontiers to its refugees and could do so again for non-Africans, as it had done in welcoming peoples coming from elsewhere, from the Huguenots to Asians. Their presence could be seen in southern, eastern and central Africa. Those peoples had undeniably become Africans. However, other parts of the

planet Earth, although generous when it came to improving the living conditions of African refugees, no longer wished to receive those refugees, but the fact that Africans believed that man was a collective being did not mean that Africans wished to invade the rest of the world collectively. They simply claimed their share of humanity and wished to move about the planet in dignity in order to share in the heritage of mankind.

77. His comments should not be regarded as an attempt to pardon African States where justice was clearly denied and where liberty was sometimes trampled. There was a need for greater tolerance to ensure that Africans would not be obliged to leave their continent so often.

78. Africa must get a grip on itself because it was clear that the flow of assistance would one day end in the same way that the cold war which had given it the impression of importance had disappeared for ever. At a time when the world was witnessing European and North American unions, it was essential for Africans to end the continent's economic and social isolation.

79. In conclusion, he expressed the wish that the OAU Commission of Twenty and senior officials of UNHCR should meet twice a year, once in Geneva and once in Addis Ababa, specifically to consider the problems of refugees and displaced persons in Africa. It would also be desirable for the Commission of Twenty to be involved in the repatriation of refugees and displaced persons. The Commission of Twenty would also like to be closely associated with or consulted on all matters relating to refugees and displaced persons in Africa.

Adoption of the report of the Subcommittee of the Whole on International Protection (A/AC.96/837)

80. The CHAIRMAN invited Mr. Boddens-Hosang, Chairman of the Subcommittee of the Whole on International Protection, to introduce the Subcommittee's report (A/AC.96/837).

81. Mr. BODDENS-HOSANG (Chairman of the Subcommittee of the Whole on International Protection), introducing the Subcommittee's report (A/AC.96/837), said that it dealt with the proceedings of the meeting held by the Subcommittee on 28 September 1994, when it had discussed issues including the Note on International Protection (A/AC.96/830), the twenty-fifth anniversary of the adoption of the OAU Convention and the report of the Subcommittee meeting held on 18 and 19 May 1994. The annex contained the text of the draft decision adopted by the Subcommittee by consensus on the subject of internally displaced persons. The Subcommittee hoped that the Executive Committee would adopt its report by consensus.

82. The CHAIRMAN said that, if he heard no objection, he would take it that the Executive Committee adopted the report of the Subcommittee.

83. It was so decided.

84. The CHAIRMAN invited the Chairman of the Sub-Committee to brief members on the Executive Committee/NGO consultations that had taken place on 30 September 1994 on the question of the Oslo Declaration and Plan of Action.

85. Mr. BODDENS-HOSANG (Chairman of the Sub-Committee of the Whole on International Protection) said that "Partners in action" was the slogan that had been uniting UNHCR and NGOs for more than a year, culminating in the Conference held by UNHCR and NGOs in Oslo in June 1994. He had informed the Oslo Conference in his closing statement that he intended to convene a meeting at the end of September in Geneva between UNHCR, NGOs and Executive Committee members and observers in order to assess collectively the importance of the Oslo Declaration and Plan of Action.

86. The meeting had taken place on 30 September in an informal session and had been attended by representatives of member States, observers and NGOs. It had been addressed by Mr. McNamara, Director for External Relations of UNHCR, Mr. Nordby, Chairman of the Executive Committee of the International Council of Voluntary Associations (ICVA) and himself. A short introduction had then been given on each of the five chapters of the Oslo Declaration, which dealt with refugee protection, internally displaced persons, emergency response, the continuum from relief to rehabilitation to development, and the UNHCR/NGO partnership. As members were aware, some of those topics were already on the agenda of the Executive Committee's Sub-Committee of the Whole on International Protection.

87. The discussion had developed into a lively dialogue between representatives of Governments and NGOs. The meeting had been so well received that proposals had been made to have it repeated in the future, but he had indicated in his opening statement that the meeting was unique and might not necessarily be repeated.

88. NGO representatives and some Government delegations had proposed that the Oslo Plan of Action should be endorsed by the Executive Committee at its forty-fifth session. An appeal had also been made for adequate financial support for the follow-up to the PARinAC process and the implementation of the recommendations. Some Government representatives had drawn attention to the large number and wide range of the recommendations and the need to make progress in their implementation on a systematic basis. While increased coordination between UNHCR and NGOs had been welcomed, the importance of coordination between NGOs had also been highlighted. The importance of training had been repeatedly stressed as a means of increasing the effectiveness of and achieving the goals set out in the PARinAC process.

89. The subjects of emergency relief and internally displaced persons had taken more time than expected and the questions dealt with in the chapters of the Oslo Declaration concerning the "continuum" and NGO/UNHCR partnership had therefore not been sufficiently discussed. The Oslo Plan of Action had been found to be rich in material for further action and discussion. He was sure that ongoing consultations would lead to a consensus decision in the Executive Committee.

90. Mr. BOULLE (Department of Humanitarian Affairs (DHA) said that, together with the members of the Inter-Agency Standing Committee, including UNHCR, DHA had made considerable headway over the past 12 months in developing the modalities for effective and comprehensive responses to major and complex emergencies.

91. It had become quite clear that such responses could be brought about only if all the actors worked together to meet the needs of the victims of emergencies. For the successful execution of large-scale emergency humanitarian operations, it was necessary to mobilize all relevant capacities within the United Nations system, the non-governmental sector at both the national and the international levels and the donor community.

92. Large-scale emergencies often benefited from a broad-based regional approach and from programming that could adapt rapidly to changing circumstances. In the case of Rwanda, it had been seen that strategic humanitarian action could be effective in preventing massive displacement.

93. Medium-term and long-term solutions to large-scale humanitarian crises in ethnic conflict situations could often be brought about only if there was confidence that basic human rights would be respected. The international community could play an important role in that regard and the deployment of humanitarian monitors, such as was under way currently in Rwanda, was one of the ways in which it could help to stabilize the situation and create conditions for reconciliation. As was known, after consulting with the members of the Inter-Agency Standing Committee, the Emergency Relief Coordinator had decided to make available to the High Commissioner for Human Rights US$ 3 million from the Central Revolving Fund to allow the High Commissioner to dispatch without further delay the human rights monitors required in the situation in Rwanda.

94. DHA was currently undergoing a reorganization to increase its capacity to facilitate timely and comprehensive responses to humanitarian crises. It was reviewing and strengthening, in association with the members of the Inter-Agency Standing Committee, the system's capacity to respond rapidly to emergencies. In that respect, it should, wherever feasible, build on the creative use of military assets under civilian leadership and mechanisms traditionally used in the case of natural diseases. Efforts were also under way to increase the size of the Central Emergency Revolving Fund. DHA was working within the Inter-Agency Standing Committee to make optimum use of existing mechanisms for early warning, contingency planning, identification of needs and programming of assistance. The division of responsibilities between all the actors in humanitarian crisis situations was vital and the Emergency Relief Coordinator took that task seriously.

95. DHA agreed that every effort should be made to avoid new layers in the international humanitarian response system. Field coordination mechanisms should be as lean as possible, but there was a need to ensure sufficient capacity for the fulfilment of their tasks. The use of logistical and technical support facilities, made available from donors, could make the difference between an inadequate coordination effort in the field and one that was useful to everyone. An example of such a capacity being made available was the deployment of the team from the Swedish Rescue Services Agency to the United Nations Rwanda Emergency Office in Kigali.

96. The capacity of humanitarian organizations within and outside the United Nations system had been used to the full for quite some time. Under those circumstances, strategic planning could sometimes be seen as not addressing the immediate concerns. However, considerable thought should be

given to reviewing the way in which the system dealt with humanitarian crisis situations and how it could prevent humanitarian crises from developing in the future. It was of paramount importance that the international community should invest in capacity for strategic action to be taken before potential crises developed into full-scale crises.

97. Unfortunately, activities that could prevent and militate humanitarian crises in their early stages remained severely under-funded. Whereas there was a need for all involved to make more effective use of available resources, donors also had to be alerted to the need to be flexible in the use of funds, to make funds available at earlier stages of developing humanitarian crises and to provide funds to help communities get back on the path of sustainable development. Funds should not follow the rapidly changing and sometimes arbitrary priority setting of the news media.

98. DHA worked closely with the Department of Peace-Keeping Operations and the Department of Special Political Affairs in New York. That allowed for the effective coordination of United Nations responses to complex emergencies where the humanitarian response had to go hand in hand with peace-keeping operations and political initiatives.

99. DHA had taken note of the constructive references made to its work in the general debate and, in particular, of the support given to the Emergency Relief Coordinator in defining responsibilities among the actors in humanitarian crisis situations through the mechanism of the Inter-Agency Standing Committee. It had also noted the wish expressed that IASC should define ways in which the United Nations and other concerned organizations could better ensure comprehensive and timely responses to the plight of the displaced, an effort that should be made together with the Secretary-General's representative for internally displaced persons.

100. Mr. COPPENS (United Nations Development Programme) said that CIREFCA had proved to be an invaluable process and had contributed to peace in Central America. UNHCR and UNDP had enjoyed fruitful inter-agency collaboration in supporting that process, which had provided important lessons for other areas of the world.

101. The Declaration of Commitments approved at the final international meeting of CIREFCA Follow-up Committee in Mexico City in June 1994 involved the launching of a new stage where the actors endorsed a new and wider framework for action with a change of emphasis. The aim was to implement sustainable human development strategies that concentrated action on critical geographic areas selected as priorities by the participating countries. Efforts at the local level were to be closely linked with overall and sectoral national policies.

102. UNDP had served as the secretariat of a temporary commission established to recommend mechanisms at the local, regional and national levels and to facilitate the promotion, implementation and follow-up of activities related to compliance with commitments made.

103. UNDP considered that the new framework and mechanisms to facilitate dialogue and concerted action among all the parties concerned would favour the

implementation of sustainable human development programmes which attacked the roots of conflict in Central America and would therefore contribute to the consolidation of peace in the region.

104. UNDP would work jointly with UNHCR and other United Nations agencies in Central America and was ready to commit itself to similar actions in other regions of the world and to provide priority support, through its regional and national programmes, to the efforts of Governments and civil societies to eradicate poverty and formulate in a concerted manner strategies, methodologies and periodic evaluations to make the concept of sustainable human development operational in its different dimensions.

105. Ms. ESCALER (International Organization for Migration) said it had been recognized over the past few years that the nature of migration flows around the globe was ever more complex and generated by varying combinations of economic distress, ethnic violence, natural disasters, political instability and armed conflict. That variety of root causes and the resulting displacement situations had continued to determine the context of cooperation between UNHCR and IOM.

106. The partnership between the two organizations remained strong. In a context where it was increasingly difficult to draw a clear line between refugee flows and other forms of displacement requiring attention by the international community, that partnership was of particular relevance when IOM's broad migration mandate could usefully complement the humanitarian responsibilities of UNHCR vis-à-vis refugees and other persons of concern to them.

107. The following list included a few of the many situations of concern to both organizations: the world-wide phenomenon of irregular migration, especially when large numbers of such irregular migrants claimed to be in need of asylum or other protection; the return of unsuccessful asylum-seekers and the repatriation of UNHCR-mandated refugees; capacity-building in the field of migration banishment and refugee flow response on behalf of Governments struggling with new and sudden migration and refugee problems; and orderly immigration and departure arrangements for needy nationals, resettlement of refugees from countries of first asylum and preventive information dissemination activities.

108. The interfaces between UNHCR and IOM were many and the High Commissioner and the IOD Director-General had therefore agreed to set up a working group of IOM and UNHCR officials who had developed specific issue papers in the past 18 months which defined various areas of key activities requiring practical complementary action and ongoing consultation.

109. Referring to some of the specific areas of cooperation between UNHCR and IOM, she said that one of the major refugee movements of the current half century was coming to an end in South-East Asia. Some 1.3 million refugees had been resettled and some 65,000 persons had been assisted in their return under the terms of the Comprehensive Plan of Action (CPA) and as a result of close cooperation between the two organizations. The concluding stage of CPA would challenge the two organizations' ability to find a solution to the problem of non-refugees not eligible for resettlement.

110. In Afghanistan, IOM continued to provide transportation assistance to Afghan refugees wishing to repatriate under UNHCR auspices.

111. With regard to Africa, in Rwanda and the neighbouring countries, conditions did not yet permit an organized repatriation of refugees. However, over 35,000 refugees had spontaneously returned to Rwanda. They had been provided with transport assistance by IOM within the United Nations coordinated humanitarian operation. It should also be noted that IOM implemented its own complementary programme to assist the internally displaced in returning home.

112. In Mozambique, the situation was somewhat happier and IOM had cooperated closely with UNHCR in the return of refugees from neighbouring countries while at the same time managing programmes for the demobilization and reintegration of soldiers and assistance to vulnerable internally displaced persons.

113. In the former Yugoslavia, the IOM/UNHCR Medevac programme continued to provide relief for patients requiring urgent medical treatment in third countries.

114. IOM and UNHCR had also started a consultation process concerning the possibility of organizing an international conference on refugees and forced displacement in the CIS and Baltic States. IOM programming in the former Soviet Union had been quite substantial over the past few years and her organization hoped that the comprehensive analysis of the various forms of displacement in that region would help to advance the search for solutions and increased cooperation among concerned Governments. In December 1994, IOM would organize a follow-up workshop on citizenship and related matters with the CIS and Baltic States.

115. In conclusion, she noted that IOM had benefited from its participation in the dialogue established between UNHCR and its NGO partners under the PARinAC process.

The meeting rose at 6.05 p.m.